

RECEIVED
IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
7885 OCT 29 AM 9:38

GARY PADGETT, 235251

PLAINTIFF,

v.

CIVIL ACTION NO: 2:05-CV-608

GWENDOLYN MOSLEY ET. AL

DEFENDANTS,

AFFIDAVIT

BEFORE ME, THE UNDERSIGNED AUTHORITY A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE OF ALABAMA AT LARGE, PERSONALLY APPEARED GARY PADGETT, WHO BEING KNOWN TO ME AND BEING BY ME FIRST DULY SWORN, DEPOSES AND SAYS UNDER OATH AS FOLLOWS: MY NAME IS GARY PADGETT, AND I AM A INMATE INCARCERATED AT EASTERLING CORRECTIONAL FACILITY CL10, AL. 36017 I AM OVER TWENTY-ONE (21) YEARS OF AGE. 1.

IN REPLY TO THE SPECIAL REPORT OF THE DEFENDANTS, AND THE STATEMENT OF FACTS OF THE DEFENDANTS DATED BOTH AUGUST 8, 2005. I GARY PADGETT PRAY THAT THIS HONORABLE COURT RESPECTFULLY ACKNOWLEDGE THAT I HAVE ADHERE TO THE FACTS PRESENTED BY THE DEFENDANTS IN THEIR OWN WORDS. EACH OF THEM OPENLY ADMITTING TO VIOLATING THIS CAUSE. I GARY PADGETT HAVING MET THE BURDEN OF PROOF ALSO SHOWING THAT I GARY PADGETT WAS NOT RESPONSIBLE FOR THESE ACTS.

DEFENDANT MOSLEY IN HER OWN WORDS ACKNOWLEDGE VIOLATING FOURTH, EIGHTH, AND FOURTEETH ADMENDMENT TO THE UNITED STATES CONSTITUTION. EACH SAID DEFENDANTS IN THEIR OWN STATEMENT AGREED THAT INMATES ARE ABLE TO USE THE LIBRARY WHEN THEIR ASSIGNED DORMITORY HAS YARD AND GYM CALL. THIS IN IT'S SELF LETS EVERYONE KNOW THAT THERE NO SPECIAL REQUIREMENT, UNLESS ONE SEEKS ADDITIONAL TIME. 2.

WARDEN MOSLEY, HAS NO RIGHT INTERFERING IN ANY CONVERSATION THAT I AM HAVING PROVIDED THAT I AM NOT MAKING PLANS ON ESCAPING OR TO HAAM SOMEONE NOR WARDEN MOSLEY HAVE AUTHORITY TO TAKE UPON HER SELF TO GET INVOLVED IN MY CASE IRREGARDLESS OF WHAT I'VE CHARGED WITH. I HAVE WENT TO COURT, HAVING BEEN FOUND GUILTY OF A CRIME, I AM PAYING FOR MY CRIME BY BEING INCARCERATED IN THE ALABAMA DEPARTMENT OF

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CORRECTION PRISON SYSTEM. BY WARDEN MOSLEY NOTIFYING THE DEPT. OF HUMAN RESOURCES, SHE (WARDEN MOSLEY) TOOK UPON HERSELF TO INVESTIGATE ILLEGALLY OUTSIDE HER POSITION AS WARDEN AT EASTERLING CORRECTIONAL FACILITY. THIS WARDEN HAS NO AUTHORITY TO DO SUCH ALSO BASED ON WARDEN MOSLEY OWN ACCUSATION. THE WARDEN HAS ACCUSED ME OF HAVING SEX WITH MY STEP-DAUGHTER AND THAT I AM THE FATHER OF MY GRAND SON, ACCORDING TO THE WARDEN BASED ON MY CRIMINAL HISTORY. I HAVE BEEN INCARCERATED ONLY ONCE IN MY LIFE, SO THERE CANNOT BE A HISTORY OF CRIMINAL ACTIVITY.

AGAIN WARDEN MOSLEY HAS ACCUSED ME VIOLATING EASTERLING CORRECTION FACILITY STANDARD OPERATING PROCEDURES C-50, BY BRINGING IN TOBACCO PRODUCTS FROM THE VISITATION YARD. ACCORDING TO WARDEN MOSLEY I WAS A SUSPECT. THIS IS WHAT WAS DID TO ME. I WAS PLACED IN RESTRAINT IMMEDIATELY AFTERWARDS BEING ACCUSED OF BRINGING IN TOBACCO PRODUCTS. I WAS TAKEN TO THE HOT DORM #5 WHEREAS I WAS STRIPED SEARCHED, MY WHEEL CHAIR WAS TAKEN APART AND SEARCHED, ALL THE WHILE THESE OFFICERS WERE ASKING WHERE IS IT AT PADGETT, WHERE DID YOU PUT THE STUFF, I SERIOUSLY DON'T BELIEVE TOBACCO PRODUCTS WAS WHAT THEY WERE LOOKING FOR, BUT THIS IS WHAT I WAS TOLD, ANYWAY NOTHING WAS FOUNDED.

I WAS THEN GIVING A LAXATIVE, I WAS PLACED BACK IN MY WHEEL CHNR FOR A PERIOD OF TWENTY-FIVE (25) HOURS IN LEG IRONS, BILLY CHAINS, AND HAND CUFFS. AFTER TWENTY-FIVE (25) HOURS OF SITTING IN MY WHEEL CHAIR IN FRONT OF THE CUBE I HAD TO USE THE RESTROOM, I WAS THEN INSTRUCTED THAT I CAN USE THAT BUCKET (PAIL), WHEREAS I WAS PHYSICAL LIFTED AND PLACED ON A BUCKET (PAIL) TO DEFECCATE, NO TOBACCO PRODUCTS WERE FOUNDED, ONLY MY HUMILATED FOR BEING A DIABETIC AND A PARAPLEGIA.

THE C-50 S.O.P. ARE ILLEGAL, BASED ON THE GUIDE LINES PUT OUT BY THE UNITED STATES JUSTICE DEPARTMENT AND THE AMERICAN WITH DISABILITY ACT, ILLEGAL BY STATE AND FEDERAL AUTHORITY AND THESE STANDARDS, 42 U.S.C. § 12131 ET. SEQ., 29 U.S.C. § 794, ALSO 42 U.S.C. § 1441, THE STANDARD OPERATING PROCEDURES C-50 IS OBSOLETE. IT IS CUSTO MARY FOR ALL NEW WARDENS TO IMPLEMENT THEIR OWN POLICY CONCERNING THIS PRISON. WARDEN MOSLEY AND THE REMAINDING DEFENDANTS ARE IN VIOLATION FOR THE USE OF THE PRESENT STANDARD OPERATING PROCEDURES FOR NON COMPLIANCE, MAINTAINING THE CURRENT POLICY WOULD CONTINUE A EVER GROWING VIOLATION

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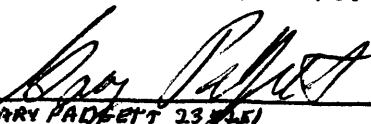
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FOR THIS FACILITY, WHICH WOULD ~~IMPOSE~~ IMPOSE IMMEDIATE SANCTION BY STATE AND FEDERAL AUTHORITIES. DURING THE COURSE OF THIS COMMUNICATION IT WAS BROUGHT TO MY ATTENTION THAT THE PREVIOUS WARDEN, WARDEN HOPE HAD CONSIDER A NEW STANDARD OPERATING PROCEDURES C-50 BECAUSE OF CONSTANT THREATS FROM OUTSIDE SOURCES, BUT UNFORTUNATELY HE WAS TRANSFERRED AND THIS IS WHEN WARDEN MOSLEY TOOK COMMAND. BUT NEVERTHELESS WARDEN MOSLEY HAS BEEN HERE LONG ENOUGH TO IMPLEMENT A NEW STANDARD OPERATING PROCEDURES C-50.

THE LAW LIBRARY IS ALSO ILLEGAL BY EVERY MEANS, THERE ARE NO WINDOWS IN THE LITTLE ROOM, THE ROOM IS NOT EQUIPPED FOR HUMAN INHABITANT OF ANYTYPE. THE DOORS TO THE CURRENT LAW LIBRARY ARE NOT WHEEL CHAIR ACCESSIBLE, ONCE INSIDE THE LAW LIBRARY, THERE IS NO ROOM TO MANEUVER A WHEEL CHAIR, YOU ARE BASICALLY STUCK. YOU MUST RETREAT BACKWARDS, BECAUSE THERE IS NO ROOM IN ORDER TO GO FORWARD WITHOUT ASSISTANCE FROM MOVING FROM ONE SIDE TO THE OTHER. (SEE DIAGRAM A). THE CURRENT ADMINISTRATION CONTINUE TO EXERCISE THAT THE LAW LIBRARY IS IN COMPLIANCE, WHICH IS NOT TRUE. THE CHAIR RAMP WHICH WAS JUST BUILT, IS NOT CORRECT NOR ARE THE DOORS TO THE GYM, AND THE LAW LIBRARY. UNDER STATE AND FEDERAL LAWS, THERE MUST BE SOME SERIOUS REMODELING CONSIDER.

I WAS ASSIGNED TO THE RESTRICTED DORM #6A, BECAUSE I COULD NOT RAISE MYSELF UP OUT OF MY WHEEL CHAIR IN ORDER TO READ THE BULLETIN BOARD, TO SEE IF MY NAME WAS ON IT. MY WHEEL CHAIR SIT 18" OFF THE FINISH FLOOR. IF I COULD RAISE MYSELF UP, I MUST RAISE TO A HEIGHT OF AT LEAST 54" IN ORDER TO READ THE BULLETIN BOARD. I AM A PARAPLEGIA AND I CANNOT GET AROUND WITHOUT THE USE OF A WHEEL CHAIR. HERE AT EASTERLING CORRECTIONAL FACILITY WARDEN MOSLEY INFLECT MENTAL AND PHYSICAL PAIN ON ALL INMATES AT THIS FACILITY DAILY. UNDER THE FOLLOWING ADMENDMENTS, FOURTH, SIXTH, EIGHTH, AND FOURTEETH THIS IS CRUEL AND UNUSUAL PUNISHMENT. OFFICER BURTON IS THE CAUSE OF ME BEING PUT IN SEGREGATION BY PROVOKING THE INCIDENT, WE ARE BEING TREATED WORSE THEN THE IRAQ PRISONERS OF WAR.

I GARY PADGETT HEREBY ASK THIS HONORABLE COURT TO CONSIDER MY CAUSE BASED ON THE EVIDENCE PRESENTED RESPECTFULLY SUBMITTED THIS 26 DAY OF OCTOBER 2005.

SIGNED 
GARY PADGETT 235251

Gary Padgett 9/26/05

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SWORN TO AND SUBSCRIBED TO BEFORE ME THIS THE 26th DAY OF October
2005.

my commission expires March 19, 2007

[Signature]
NOTARY PUBLIC

